

RECEIVED  
CENTRAL FAX CENTER

JAN 04 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Feli et al.	)	
Serial No.:	09/852,332	)	Confirmation No. 4808
Filing Date:	May 9, 2001	)	
Examiner:	Anh Vu H Ly	)	
Art Unit:	2667	)	
Attorney Docket:	P12594-US1	)	
Title: METHOD AND APPARATUS FOR			
DISTRIBUTING TRAFFIC LOAD IN A			
WIRELESS PACKET DATA NETWORK			

Commissioner for Patents  
Box Non-Fee Amendments  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

Sir:

This paper is being filed in response to the Office Action dated November 19, 2004, having a reply due date of February 21, 2005. Applicants believe no additional fee is due at this time. If Applicants are mistaken as to the fees, the Commissioner is authorized to charge any additional fees or credit any overpayment to deposit account 13-4365. Applicants request reconsideration of the application in view of the amendments and remarks below. Please amend the above-identified application as follows:

**Amendments to the Specification** There are no amendments to the specification.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.

RECEIVED  
CENTRAL FAX CENTER

JAN 04 2005

Moore &amp; Van Allen

## FACSIMILE

FROM	Steven B. Phillips		
DATE	January 4, 2005		
TIME			
PAGES INCLUDING COVER SHEET	7	USER NUMBER	8323
CLIENT/MATTER	011317-57		

NO CONFIRMATION COPY OF THIS FACSIMILE WILL BE SENT.  
 A CONFIRMATION COPY OF THIS FACSIMILE WILL BE SENT VIA REGULAR MAIL.  
 A CONFIRMATION COPY OF THIS FACSIMILE WILL BE SENT VIA OVERNIGHT MAIL.  
 A CONFIRMATION COPY OF THIS FACSIMILE WILL BE SENT VIA CERTIFIED MAIL.

Steven B. Phillips  
Registered Patent AttorneyT 919 286 8124  
F 919 416 8324  
stevenphillips@mvalaw.com

Moore &amp; Van Allen PLLC

Suite 600  
430 Davis Drive  
PO Box 13706  
Research Triangle Park, NC 27709Courier:  
Suite 500  
430 Davis Drive  
Morrisville, NC 27560

## Attention:

NAME		COMPANY 1-703-872-9306	TELEPHONE	FACSIMILE
1	Examiner Ly – Art Unit 2667	US Patent & Trademark Office		1-703-872-9306
2				
3				

## Remarks:

UNITED STATES Application Ser. No. 09/852,332  
 Applicant: Fell et al.  
 Filed: May 9, 2001

CERTIFICATE OF FACSIMILE  
MAILING

I hereby certify that this Correspondence is  
 being sent via facsimile to the US Patent  
 Office, Box PCT, on January 4, 2005, to the  
 fax number listed herein.

*Patricia L. Pontello*  
 Patricia L. Pontello

IF FAX IS ILLEGIBLE OR INCOMPLETE, PLEASE CALL \_\_\_\_\_ AT 919 286 8180 OR 800 333 3729.

Unless otherwise indicated, a facsimile  
 machine printout of this document shall be  
 considered an original counterpart of the  
 document, and a writing with the sender's  
 signature, if any, printed thereon deemed an  
 original signature. The information contained  
 in this facsimile message is attorney  
 privileged and confidential information  
 intended only for the use of the individual or  
 entity named above. If the reader of this

message is not the intended recipient, you are  
 hereby notified that any dissemination,  
 distribution or copying of this communication  
 is wrongful and may subject you to civil  
 liability. If you have received this  
 communication in error, please immediately  
 notify us by telephone, and return the original  
 message to us at the above address via the  
 U.S. Postal Service. Thank you.

Charlotte, NC  
Charleston, SC

TRIIIS97097v1

RECEIVED  
CENTRAL FAX CENTER

01/04/2005 14:09 FAX 9192868199

MOORE-VAN-ALLEN

JAN 04 2005

002/007

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(To be used for all correspondence after initial filing)

Total Number of Pages in This Submission

4

Application Number

09/852,332

Filing Date

May 9, 2001

First Named Inventor

Fell, Evin

Group Art Unit

3618

Examiner Name

Attorney Docket Number

P12594-U\$1(057)

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> <input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Documents	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	MOORE & VAN ALLEN	
Signature		
Date	January 4, 2005	

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Fax No. 1-703-872-9306

Typed or printed name	Patricia L. Pontello	
Signature		Date
	January 4, 2005	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

TRI1597096v1

PAGE 27 \* RCVD AT 1/4/2005 2:09:27 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-13 \* DNI:8729306 \* CSID:9192868199 \* DURATION (mm:ss):02:10